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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,908	11/21/2003	Brad Barton	KAR:8461.0001	4036
152	7590	07/15/2005	EXAMINER	
CHERNOFF, VILHAUER, MCCLUNG & STENZEL 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204-3157			WALCZAK, DAVID J	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/719,908	Applicant(s) BARTON ET AL.	
	Examiner David J. Walczak	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-14 is/are rejected.
- 7) ☐ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/21/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election

Applicant's election without traverse of Group I (claims 1-14) in the reply filed on 6/13/05 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruenbacher et al. (hereinafter Gruenbacher). In regard to claims 1 and 3, Gruenbacher discloses an "antiseptic cleaning apparatus" comprised of a fluid impermeable liner 25 in the form of a glove (see column 3, lines 19-27), a fluid absorbing material 24 affixed to a palm side outer surface of the liner (see column 8, lines 57-62) and a fluid contained in a fluid impermeable member 30 that isolate the fluid from the fluid absorbing material until it is ruptured (see column 4, lines 51-54). In regard to claim 4 and 5, the fluid absorbing material and fluid impermeable member are positioned in the finger portions of the glove (see column 15, lines 41-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruenbacher in view of Davis. In regard to claims 2 and 8-12, although the Gruenbacher reference does not disclose that the fluid being dispensed is an antiseptic, the reference does not limit the type of product that can be dispensed from the device and further implied that any suitable product may be dispensed (see column 13, line 59 – column 14, line 10). Attention is now directed to the Davis reference, which discloses another applicator glove wherein antiseptic is dispensed therefrom (see column 12, lines 19-26) in order to enable a user to readily dispense an antiseptic. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the Gruenbacher device can be used to dispense antiseptic in order to enable a user to dispense antiseptic if desired. In regard to claim 13, the liner is invert capable, i.e., capable of being inverted, to form a biohazard container.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruenbacher in view of Thorsbakken. Although the Gruenbacher reference does not disclose that the absorbing material is impregnated with dry antiseptic and the fluid is water, as discussed supra, the reference does disclose that a wide array of substances may be dispensed. Attention is directed to the Thorsbakken reference, which discloses

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an applicator pad having dry antiseptic therein which is activated by water (see column 6, lines 42-50) in order to enable a user to apply antiseptic in a convenient manner.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the absorbent material in the Gruenbacher device can be impregnated with dry antiseptic and the fluid can be water to activate the antiseptic in order to enable a user to conveniently apply antiseptic.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gruenbacher in view of Davis, as applied to claim 8, and further in view of Woodard. Although the Gruenbacher reference does not disclose that the glove includes a seal member to seal the opening thereof, attention is directed to the Woodard reference, which discloses another cleaning glove wherein a drawstring (see claim 6) is present at the opening in order to enable the glove to be secured to a user's wrist. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the glove in the Gruenbacher reference can be equipped with such a drawstring in order to enable the glove to be secured to a user. Such a drawstring would be capable of sealing the liner after the liner is inverted.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Schneider and Norton references are cited for disclosing other dispensing mitts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Walczak whose telephone number is 571-272-4895. The examiner can normally be reached on Mon-Thurs, 6:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David J. Walczak
Primary Examiner
Art Unit 3751

DJW
7/13/05